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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,666	07/28/2003	Terry Cassaday	SJ-12015US	4447

7590 11/17/2004

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EXAMINER

WHITE, RODNEY BARNETT

ART UNIT	PAPER NUMBER
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3636

DATE MAILED: 11/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/627,666

Applicant(s)

CASSADAY, TERRY

Examiner

Rodney B. White

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Newhouse (U.S. Patent No. 5,700,051) in view of Wells et al (U.S. Patent No. 6,530,842 B1).

Newhouse teaches a an adjustable office chair with a chair control directory but does not teach all of the switches , feedback means, both visual and audible, indicators, speakers, voice chips, screens, and wireless communications, etc. However, Wells et al teaches such improvements to a chair to be old. It would have been obvious and well within the level of ordinary skill in the art to modify the chair, as taught by Newhouse, to include such provisions as taught by Wells et al, since the it would allow the chair to be used for many purposes.

Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Newhouse (U.S. Patent No. 5,700,051) in view of Takemoto et al (U.S. Patent No. 5,807,177).

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Newhouse teaches a an adjustable office chair with a chair control directory but does not teach all of the switches , feedback means, both visual and audible, indicators, speakers, voice chips, screens, and wireless communications, etc. However, Takemoto et al teaches such improvements to a chair to be old. It would have been obvious and well within the level of ordinary skill in the art Takemoto et al, since the it would allow the chair to be used for many purposes.

Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Newhouse (U.S. Patent No. 5,700,051) in view of Carstens (U.S. Patent Application Publication No. 2002/0070590A1).

Newhouse teaches a an adjustable office chair with a chair control directory but does not teach all of the switches , feedback means, both visual and audible, indicators, speakers, voice chips, screens, and wireless communications, etc. However, Carstens teaches such improvements to a chair to be old. It would have been obvious and well within the level of ordinary skill in the art to modify the chair, as taught by Newhouse, to include such provisions as taught by Carstens, since the it would allow the chair to be used for many purposes.

Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Newhouse (U.S. Patent No. 5,700,051) in view of Infanti (U.S. Patent No. 5,678,886 B1).

Newhouse teaches a an adjustable office chair with a chair control directory but does not teach all of the switches , feedback means, both visual and audible, indicators, speakers, voice chips, screens, and wireless communications, etc.

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However, Infanti teaches such improvements to a chair to be old. It would have been obvious and well within the level of ordinary skill in the art to modify the chair, as taught by Newhouse, to include such provisions as taught by Infanti, since the it would allow the chair to be used for many purposes.

Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Newhouse (U.S. Patent No. 5,700,051) in view of DiRe (U.S. Patent Application Publication No. 2004/0007907 A1).

Newhouse teaches a an adjustable office chair with a chair control directory but does not teach all of the switches , feedback means, both visual and audible, indicators, speakers, voice chips, screens, and wireless communications, etc. However, DiRe teaches such improvements to a chair to be old. It would have been obvious and well within the level of ordinary skill in the art to modify the chair, as taught by Newhouse, to include such provisions as taught by DiRe, since the it would allow the chair to be used for many purposes.

Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Newhouse (U.S. Patent No. 5,700,051) in view of Cuffe (European Patent No. EP 251643 A2).

Newhouse teaches a an adjustable office chair with a chair control directory but does not teach all of the switches , feedback means, both visual and audible, indicators, speakers, voice chips, screens, and wireless communications, etc. However, Cuffe teaches such improvements to a chair to be old. It would have been

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obvious and well within the level of ordinary skill in the art to modify the chair, as taught by Newhouse, to include such provisions as taught by Cuffe, since the it would allow the chair to be used for many purposes.

Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Newhouse (U.S. Patent No. 5,700,051) in view of May et al (U.S. Patent No. 6,102,476).

Newhouse teaches a an adjustable office chair with a chair control directory but does not teach all of the switches , feedback means, both visual and audible, indicators, speakers, voice chips, screens, and wireless communications, etc. However, May et al teaches such improvements to a chair to be old. It would have been obvious and well within the level of ordinary skill in the art to modify the chair, as taught by Newhouse, to include such provisions as taught May et al, since the it would allow the chair to be used for many purposes.

Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Newhouse (U.S. Patent No. 5,700,051) in view of Hocking (U.S. Patent No. 5,779,305).

Newhouse teaches a an adjustable office chair with a chair control directory but does not teach all of the switches , feedback means, both visual and audible, indicators, speakers, voice chips, screens, and wireless communications, etc. However, Hocking teaches such improvements to a chair to be old. It would have been obvious and well within the level of ordinary skill in the art to modify the chair, as taught by Newhouse, to include such provisions as taught by Hocking, since the it would allow the chair to be used for many purposes.

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Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Newhouse (U.S. Patent No. 5,700,051) in view of Dayton (U.S. Patent No. 4,868,888).

Newhouse teaches a an adjustable office chair with a chair control directory but does not teach all of the switches , feedback means, both visual and audible, indicators, speakers, voice chips, screens, and wireless communications, etc. However, Dayton teaches such improvements to a chair to be old. It would have been obvious and well within the level of ordinary skill in the art to modify the chair, as taught by Newhouse, to include such provisions as taught by Dayton, since the it would allow the chair to be used for many purposes.

Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Newhouse (U.S. Patent No. 5,700,051) in view of Henry (U.S. Patent No. 5,318,340).

Newhouse teaches a an adjustable office chair with a chair control directory but does not teach all of the switches , feedback means, both visual and audible, indicators, speakers, voice chips, screens, and wireless communications, etc. However, Henry teaches such improvements to a chair to be old. It would have been obvious and well within the level of ordinary skill in the art to modify the chair, as taught by Newhouse, to include such provisions as taught by Henry, since the it would allow the chair to be used for many purposes.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Furukawa et al, Chien-Chuan, Riday, Bedpath, Thomas,

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O'Connor, LePurge, Brookbank, Newhouse et al, Hagan, Bluth, Faulkner, Jackson, Sanford et al, Bauer et al, Franke, and Huiban, teach various concepts similar to the present invention .

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney B. White whose telephone number is (703) 308-2276. .

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on (703) 308-0827. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Rodney B. White,  
Patent Examiner  
Art Unit 3636  
November 12, 2004



**RODNEY B. WHITE**  
**PRIMARY EXAMINER**